

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRMC No. 145/2018

Baljeet Kour and othersAppellant(s)/Petitioner(s)

Through: Mr. Ankur Sharma, Adv.

vs

State of J&K and others Respondent(s)

Through: Mr. Bhanu Jasrotia, GA for Nos. 1 and 2
Investigating Officer is present along with
CD file.

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

1. One of the grounds of challenge to impugn the FIR is that there is a long standing enmity between the petitioners and the complainant party as a land dispute is going on between them and that the petitioners have already lodged an FIR against the complainant party. It is contended that as a counter-blast to the same, the impugned FIR has been lodged by the private respondent against the petitioners.
2. Vide order dated 20.03.2018 passed by this Court, investigation in the FIR impugned has been stayed, as such, no progress in the investigation of the case could take place.
3. Learned counsel for the official respondents has submitted that the question whether or not the impugned FIR has been lodged by the private respondent as a counter blast or on account of malice, can be determined only during the investigation of the case and if the investigation is not allowed to proceed further, it may not be possible for the official respondents to determine this question. On this ground, he has prayed that the Investigating Agency should be allowed to

proceed further in the matter and investigate the case and to this extent order dated 20.03.2018 may be modified.

4. The prayer made by the official respondents appears to be justified. Accordingly, order dated 20.03.2018 is modified to the extent that the Investigating Agency is permitted to investigate the impugned FIR and if it intends to file challan against the petitioners, the same shall not be done without prior permission of this Court.
5. Case Diary be returned to the Investigating Officer.
6. List on 10.07.2023.

Jammu
03.05.2023
Rakesh



(SANJAY DHAR)
JUDGE